

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LAS VEGAS SKYDIVING ADVENTURES  
LLC,

Plaintiff

v.

GROUPON, INC.,

Defendant

Case No.: 2:18-cv-02342-APG-VCF

**Order Denying Motion for Stay Pending  
Appeal**

[ECF No. 127]

Plaintiff Las Vegas Skydiving Adventures LLC (LVSA) moves for a stay of this case pending the resolution of its appeal. I deny that request.

“A stay is not a matter of right,” but is left to the court’s discretion. *Nken v. Holder*, 556 U.S. 418, 433-34 (2009) (simplified). “The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Id.*

[T]he factors regulating the issuance of a stay are . . . : (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

*Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

LVSA has failed to meet its burden. Its motion does not convince me that it is likely to prevail on its appeal. It has offered nothing but its counsel’s argument that it is a small company that will be irreparably injured absent a stay. Yet LVSA was able to fund three years of aggressive litigation, including filing many unnecessary motions. And while Groupon may not be significantly injured if its recovery of its attorney fees is delayed, even a large entity should not be forced to incur significant legal fees defending against abusive litigation. Finally, the

1 public interest does not favor a stay. As detailed in my order awarding Groupon attorney fees,  
2 LVSA employed objectively unreasonable litigation tactics and strategies throughout this  
3 lawsuit. The public interest favors holding litigants accountable for abusive litigation.

4 I THEREFORE ORDER that plaintiff LV Skydiving's motion for a stay pending appeal  
5 **(ECF No. 127) is DENIED.**

6 DATED this 11th day of July, 2022



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE